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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,208

04/04/2007

John A. Notaras

22216-00018-US1

6875

30678

7590

03/11/2010

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EXAMINER

PALMER, TIFFANY

ART UNIT

PAPER NUMBER

1797

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,208	<b>Applicant(s)</b> NOTARAS ET AL.	
	<b>Examiner</b> TIFFANY N. PALMER	<b>Art Unit</b> 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/9/2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on January 4, 2010 has been entered and fully considered. The Claims 1-14 are pending and have been fully considered.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Notaras et al (US Patent Number 3,855,976).
3. Regarding Claim 1, Notaras et al teach an air cooled internal combustion engine having a cylinder (Col 3, line 22-24), a rotary fan powered by said engine (Col 3, lines 8-9) and contained within a cowling (cover 4) (Col 3, lines 3-4) which directs a flow of air from said fan towards said cylinder, said air filter arrangement comprising a generally planar air filter (26 Figure 4) located in said flow, the improvement comprising locating said filter closely adjacent an air exit region of said fan to thereby increase the velocity of air flowing over said air filter (Col 1, lines 42-54) and further locating said generally planar air filter which is substantially parallel to the axis of rotation of said fan (9 Figure 2 and 26 Figure 3) and substantially parallel to a tangent to the outer circumference of said fan (9 Figure 2 and 26 Figure 3).

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4. Regarding Claim 3, Notaras et al teach an air cooled internal combustion engine wherein said cowling (cover 4) is curved at least partially around said fan (4 Figure 1 and 9 Figure 2) and said air filter is located in a plane which is curved in like fashion to said cowling (26 Figure 3 and Col 3, lines 62-64).

5. Regarding Claim 4, Notaras et al teach an air cooled internal combustion engine wherein said air filter is located in a plane which is included into the flow of air leaving said air exit region (Col 4, lines 38-45 and Col 4, lines 60-65).

6. Regarding Claim 5, Notaras et al teach an air cooled internal combustion engine wherein said filter is generally rectangular (26 Figure 4) and has its longer axis substantially aligned with the direction of said air flow (Col 2, lines 28-31).

7. Regarding Claim 6, Notaras et al teach an air cooled internal combustion engine wherein said filter is substantially flush with said cowling (cover 4) (26 Figure 3).

8. Regarding Claim 7, Notaras et al teach an air filter arrangement for an internal combustion engine having a cylinder (Col 3, line 22-24), a rotary fan powered by said engine (Col 3, lines 8-9) and contained within a cowling (cover 4) (Col 3, lines 3-4) which directs a flow of air from said fan towards said cylinder, said air filter arrangement comprising a generally planar air filter (26 Figure 4) located in said flow and closely adjacent an air exit region of said fan to thereby increase the velocity of air flowing over said air filter (Col 1, lines 42-54).

9. Regarding Claim 8, Notaras et al teach an arrangement wherein said air filter is located in a plane which is substantially parallel to the axis of rotation of said fan (9

Figure 2 and 26 Figure 3) and also substantially parallel to a tangent to the outer circumference of said fan (9 Figure 2 and 26 Figure 3).

10. Regarding Claim 9, Notaras et al teach an arrangement wherein said cowling (cover 4) is curved at least partially around said fan (4 Figure 1 and 9 Figure 2) and said air filter is located in a plane which is curved in like fashion to said cowling (26 Figure 3 and Col 3, lines 62-64).

11. Regarding Claim 10, Notaras et al teach an arrangement wherein said air filter is located in a plane which is inclined into the flow of air leaving said air exit region (Col 4, lines 38-45 and Col 4, lines 60-65).

12. Regarding Claim 11, Notaras et al teach an arrangement wherein said filter is substantially flush with said cowling (cover 4) (26 Figure 3).

13. Regarding Claim 12, Notaras et al teach an arrangement wherein said filter is generally rectangular (26 Figure 4) and has its longer axis substantially aligned with the direction of said air flow (Col 2, lines 28-31).

14. Regarding Claim 13, Notaras et al teach an air cooled internal combustion engine wherein the air filter is positioned relative to the fan so that air exiting said air exit region of said fan passes over said air filter without changing direction (Figure 3 and Col 3, lines 37-44). Col 4, lines 62-65 define the arrows in the upper portion of Figure three as indication of the direction of flow of the air passing over the filter. The arrows show no indication of air flow changing directions.

15. Regarding Claim 14, Notaras et al teach an arrangement wherein the air filter is positioned relative to the fan so that air exiting said air exit region of said fan passes

over said air filter without changing direction (Figure 3 and Col 3, lines 37-44). Col 4, lines 62-65 define the arrows in the upper portion of Figure three as indication of the direction of flow of the air passing over the filter. The arrows show no indication of air flow changing directions.

### ***Response to Arguments***

16. Applicant's arguments filed on 1/04/2010 have been fully considered but they are not persuasive. Applicant argues that the filter of Notaras lies in a plane which is perpendicular to the axis of the rotation of the fan and in contrast, the presently pending claims recite that the filter lies "in a plane which is substantially parallel to the axis of rotation of said fan" and also lies in a plane which is substantially parallel to a tangent to the outer circumference of said fan at said air exit region." Examiner respectfully disagrees. Notaras states in Col 2, lines 28-31, that the filter assembly is disposed in a plane substantially perpendicular to an incoming flow of fan generated air. Since the chainsaw and fan are parallel to each other as shown in Figure 2, and the filter 26a is perpendicular to the air flow as can be seen in Figure 2, the filter must also be substantially parallel to the axis of rotation of the fan and also tangent to the outer circumference of said fan.

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIFFANY N. PALMER whose telephone number is (571)270-3666. The examiner can normally be reached on Monday-Friday 7:30am-5pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571)272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Duane Smith/  
Supervisory Patent Examiner, Art  
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TNP